

EXHIBIT 1

Unknown

From: Terry Kilpatrick [TK@ernstlawgroup.com]
Sent: Thursday, August 18, 2011 10:13 PM
To: dmb@delphianalytical.com
Subject: McCornack Summary Judgment

David –

I may be one of the last people you want to hear from, but I am hoping you can help us on the Digoxin cases with some upcoming motions.

We were hit with 5 summary judgment motions and given very little time to oppose them. Bottom line, I think I will need a declaration from you setting forth some basic opinions about this case. We will prepare it and the facts will all come from your report and deposition transcript (which you will be able to verify). My question is, are you available to have a discussion and review a declaration. I won't need a lot of your time, but I will need some of your time. Our Opposition is due Wednesday, and my hope would be to have something to you on Monday that you could return by Tuesday. If you have any time before Monday to talk I will make myself available at any time you choose.

Our firm would be responsible for paying you for your time on this and we will pay you, and Fed Ex you a retainer if you would like us to. There will not be the delay that has unfortunately occurred with your larger bills related to the MDL litigation.

Let me know if you have any time to help us with this. Thanks. Hope you are well.

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